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Certification Requirements for Imported Wine Questions and Answers

Question #1

What is the basis for the new certification requirements for imported wine?

Section 2002 of the Miscellaneous Trade and Technical Corrections Act of 2004 amended section 5382(a) of the Internal Revenue Code of 1986, which sets forth standards regarding what constitutes proper cellar treatment of natural wine. The Act added new certification requirements regarding production practices and procedures for imported natural wine. TTB has issued a temporary rule document to implement this change and in a separate notice document is soliciting comments on the temporary rule.

Question #2

Who must comply with the certification requirements?

A person who imports natural wine produced after December 31, 2004, must comply with the certification requirements. Certain exemptions are outlined in Q&A #15 and #16.

Question #3

For the purpose of the certification requirements, what is a "natural wine"?

A natural wine is the product of the juice or must of sound, ripe grapes or other sound, ripe fruit (including berries) made with any cellar treatment authorized by subparts F and L of 27 CFR part 24, containing not more than 24 percent alcohol by volume and containing not more than 21 percent by weight (21 degrees Brix de-alcoholized wine) of total solids.

Question #4

Is Sake a "natural wine"?

No. Sake is produced from rice, not from the juice or must of sound, ripe grapes or other sound, ripe fruit.

Question #5

Is Honey Wine/Mead a "natural wine"?

No. Honey Wine/Mead is produced from honey, not from the juice or must of sound, ripe grapes or other sound, ripe fruit.

Question #6

Is Cider a "natural wine"?

Possibly. Cider is the product of the juice or must of sound, ripe fruit. However, ciders that have been made with cellar treatments or ingredient quantities not authorized by subparts F and L of 27 CFR part 24 are not natural wines.

Question #7

Is Effervescent wine a "natural wine"?

An effervescent wine is considered to be a natural wine only if it was made with cellar treatments or ingredient quantities authorized by subparts F and L of 27 CFR part 24.

Question #8

Do the alcohol content limitations of natural wine refer to "acquired" or "actual" alcohol, or to "total" alcohol (which includes the alcohol equivalent of residual sugar contained in the wine)?

The alcohol content limitations in the definition of natural wine refer to the wine's "actual" alcohol by volume content, which does not include the alcohol equivalent of the residual sugar.

Question #9

When does TTB consider wine to be "produced"?

For purposes of the certification requirement, which applies to wine produced after December 31, 2004, wine is "produced" when it is removed from the fermenter.

Question #10

What is "proper cellar treatment"?

Proper cellar treatment is a production practice or procedure authorized by subparts F and L of 27 CFR part 24 and, in the case of natural wine produced and imported subject to an international agreement or treaty on enological practices, those practices and procedures acceptable to the United States under that agreement or treaty.

Question #11

What is "certification"?

Certification is a statement that the practices and procedures used to produce the imported wine constitute proper cellar treatment. Certification may consist of a statement from the producing country's government, or government-approved entity having oversight or control of enological practices. This form of certification includes the results of a laboratory analysis of the wine performed by either a government laboratory or a laboratory certified by the government of the producing country. Certification may also be in the form of a statement from the importer, that is, a self-certification (see Q&A #12).

Question #12

Who may self-certify?

If an importer or its affiliate owns or controls a winery operating under a basic permit issued under the Federal Alcohol Administration Act, that importer may certify that the practices and procedures used to produce the wine constitute proper cellar treatment (self-certification). An importer who self-certifies does not need to obtain a producing country certification and laboratory analysis.

Question #13

What is an "affiliate"?

For purposes of self-certification, a person is an "affiliate" if one of two or more persons has actual or legal control, directly or indirectly, whether by stock ownership or otherwise, of the other person or persons. The term includes a winery's parent or subsidiary or any other entity in which the winery's parent or subsidiary has a controlling ownership interest. An affiliate also includes any one of two or more persons subject to common control, actual or legal, directly or indirectly, whether by stock ownership or otherwise.

Question #14**What are some examples of companies that may or may not self-certify?**

An importer with an affiliate that owns a winery may self-certify.
 An importer with an affiliate that controls a winery may self-certify.
 An importer who controls a winery may self-certify.
 An importer controlled by a winery may not self-certify.
 A person qualified as both an importer and a winery may not self-certify.
 (Note: The foreign producer of the wine need not be an affiliate of the importer.)

Question #15**Are there any exemptions from the certification requirements?**

Yes. Natural wine is exempt from the certification requirements if it is:

- Produced before January 1, 2005;
- Imported for personal use, for example, importations by travelers or gift shipments between individuals;
- Imported by diplomats for embassy or consular use;
- Imported for use as commercial samples, for example, as trade samples, for trade shows, for laboratory analysis; and
- Imported for use on international passenger carriers, for example, cruise ships or airliners.

Question #16**If I import wine from a country with which the United States has an enological practices agreement, is the wine subject to certification?**

The wine is subject to certification only if a certification is required by the agreement. (For a listing of countries with which the United States currently has an enological agreement, see Q&A #17.)

Question #17**Which countries currently have an enological practices agreement with the United States?**

The following five countries have an enological practices agreement with the United States: Argentina, Australia, Canada, Chile and New Zealand. Based on the enological practices agreement between the United States and these countries, natural grape wines containing 7 to 22 percent alcohol by volume from these countries are not subject to certification. Currently, wine from berries and other fruit is not a part of this agreement and is subject to the certification requirement.

Question #18**Where can I find the certification form?**

There is no TTB form; however, the format for certification is in the regulations document. A Word version is also available at: [\[Word\]](#)

Question #19**When must I obtain the certification?**

You must have the certification in your possession when your wine is released from customs custody. However, you do not need to present the document for certification as part of the customs entry process.

Question #20**Must my certification document be an original?**

No. The certification may be an original or a copy.

Question #21**Must I submit my certification to TTB?**

Submission to TTB is required only for Federal Alcohol Administration Act purposes. Therefore, you must submit your certification with your Certificate of Label Approval (COLA) application. Also see Q&A #25, #26 and #27.

Question #22**Must I keep a copy of the certification? If yes, for how long?**

Yes, the certification is part of your required records and must be maintained as provided by subpart I of 27 CFR part 27. Therefore, you must keep the certifications for three years, unless TTB directs you to keep them for longer, that is, up to another three years. If the certification also supports a COLA, you must keep it as long as you use the COLA to import wine.

Question #23**I submitted my certification with my COLA application. My application was returned to me for correction. When I submit my corrected COLA application, must I resubmit a copy of my certification with it?**

Yes. The corresponding certification must be submitted with the resubmitted COLA application. TTB will not retain certifications that do not correspond to approved COLAs.

Question #24**Why is my COLA qualified with "Approved subject to compliance with 27 CFR 4.45(b)"?**

This is a reminder of your responsibility to submit the certification to TTB in the event that the required certification was not available when you filed the COLA application. TTB is placing this qualification on all COLAs for imported wine even if under the new regulations you are exempt from the certification requirements portion. If you are required to submit a certification for the wine and do not do so, you may not use the label on the wine.

Question #25**My COLA was issued before the certification requirements were imposed. I am now using the approved labels to import wine produced after December 31, 2004, and a certification is required for the wine. When do I submit the certification to TTB?**

You must submit your certification when the wine is released from customs custody.

Question #26**My certification was not available when I submitted my COLA application. When should I submit my certification to TTB?**

You must submit your certification when the wine is released from customs custody.

Question #27**If I am unable to submit my certification with my COLA application and have to submit it later, what do I do?**

Certifications submitted after label approval must be annotated with the TTB label approval identification number, a 14 digit number assigned by TTB as a unique identifier for each COLA. It may be found in the upper left-hand corner of the COLA form in the box labeled TTB ID.

Send the annotated certification to:
 Director, Knowledge Management Staff

Alcohol and Tobacco Tax and Trade Bureau
1310 G Street, NW
Suite 200E
Attention: Wine Certification Docket
Washington, DC 20220

Question #28
What will TTB do with my certification?

Your certification will be made publicly available on TTB's web site at www.ttb.gov.

Question #29
May I use another importer's certification?

Yes. You may use another importer's certification provided the wine is of the same brand, class or type, producer, cellar treatment and conforms to the statements made on the certification. When you submit the certification to TTB, please ensure that it reflects the TTB ID number (a 14 digit number assigned by TTB, located in the upper left-hand corner of the approved COLA form) that corresponds to your COLA, rather than that of another importer.

Question #30
I am not eligible to self-certify. May I use another importer's self-certification?

Yes, if you are importing wine of the same brand, class or type, producer, and cellar treatment and the wine conforms to the statements made on the certification. When you submit the certification to TTB, please ensure that it reflects the TTB ID number (a 14 digit number assigned by TTB, located in the upper left-hand corner of the approved COLA form) that corresponds to your COLA, rather than that of another importer.

Question #31
Where can I obtain a copy of another importer's certification?

You can print a copy from TTB's web site at www.ttb.gov.

Question #32
Is there a public listing of foreign governmental and/or government-approved certifying entities?

TTB will maintain a list containing all such available information at www.ttb.gov.

Question #33
Do I need to submit to TTB and retain in my records a separate certification for each shipment of the same wine?

No. One certification submission and retention will cover multiple shipments provided the wine is of the same brand, class or type, producer, cellar treatment and conforms to the statements made on the certification.

Question #34
If another importer has already submitted to TTB a certification for the same wine I import, must I also submit a certification?

Yes.

Question #35
May I use the same certification for the red and white wines that I import?

Both are made by the same producer, under the same brand name and subjected to

the same cellar treatment.

No. You may use the same certification only for wine of the same class or type, brand, producer and subjected to the same cellar treatment. "Red wine" and "white wine" are different types.

Question #36
May I use the same certification for the Cabernet Sauvignon and Chardonnay wines that I import?

Both are made by the same producer, under the same brand name and subjected to the same cellar treatment.

No. You may use the same certification only for wine of the same class or type, brand, producer and subjected to the same cellar treatment. "Cabernet Sauvignon" and "Chardonnay" are different types.

Question #37
Must I get a new certification when there has been a change in the cellar treatment of my wine, even though I don't need a new COLA?

Yes, any change in cellar treatment requires a new certification even if it doesn't require a new COLA.

Question #38
I will be importing 20 bottles of wine for use at an upcoming trade show. Is this wine subject to certification?

No. Importations of commercial samples, including trade show samples, are exempt from the certification requirements. See Q&A #15.

Question #39
Who should I contact if I have additional questions about certification requirements?

Contact an International Trade Division staff member at (202) 927-8110.